

"Contested case" § 10-201

10-208. EVIDENCE.

(A) IN GENERAL.

(1) EACH PARTY IN A CONTESTED CASE SHALL OFFER ALL OF THE EVIDENCE THAT THE PARTY WISHES TO HAVE MADE PART OF THE RECORD.

(2) IF THE AGENCY HAS ANY EVIDENCE THAT THE AGENCY WISHES TO USE IN ADJUDICATING THE CONTESTED CASE, THE AGENCY SHALL MAKE THE EVIDENCE PART OF THE RECORD.

(B) PROBATIVE EVIDENCE.

THE AGENCY MAY ADMIT PROBATIVE EVIDENCE THAT REASONABLE AND PRUDENT INDIVIDUALS COMMONLY ACCEPT IN THE CONDUCT OF THEIR AFFAIRS AND GIVE PROBATIVE EFFECT TO THAT EVIDENCE.

(C) EXCLUSIONS.

THE AGENCY MAY EXCLUDE EVIDENCE THAT IS:

- (1) INCOMPETENT;
- (2) IRRELEVANT;
- (3) IMMATERIAL; OR
- (4) UNDULY REPETITIOUS.

(D) RULES OF PRIVILEGE.

THE AGENCY SHALL APPLY A PRIVILEGE THAT LAW RECOGNIZES.

(E) SCOPE OF EVIDENCE.

ON A GENUINE ISSUE IN A CONTESTED CASE, EACH PARTY IS ENTITLED TO:

- (1) CALL WITNESSES;
- (2) OFFER EVIDENCE, INCLUDING REBUTTAL EVIDENCE;
- (3) CROSS-EXAMINE ANY WITNESS THAT ANOTHER PARTY OR THE AGENCY CALLS; AND
- (4) PRESENT SUMMATION AND ARGUMENT.

(F) DOCUMENTARY EVIDENCE.

THE AGENCY MAY RECEIVE DOCUMENTARY EVIDENCE:

- (1) IN THE FORM OF COPIES OR EXCERPTS; OR